

REMARKS/ARGUMENT

Applicant appreciates the Examiner's thorough examination and comments with respect to this application.

Claims 1-3, 7-21, 28, 70-90 and 97 have been amended to more particularly define applicant's invention. The amendments to the claims make explicit that which applicant believed was already implicit, and are, accordingly, not made for statutory purposes.

Claim 75 and 89 stand objected to because of informalities identified by the Examiner. Accordingly, claims 75 and 89 have been amended to correct obvious typographical errors and effectively overcome the Examiner's objections. Reconsideration is respectfully requested.

35 U.S.C. §112

Claims 1-28 and 70-97 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, the Examiner has identified phraseology and usage in the claims that make the claims appear to interchange phrases and promote inconsistency. Accordingly, applicant has amended claims 1-3, 7-21, 28, 70-90 and 97 to promote consistency in usage and phraseology. Reconsideration is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. §112 as being indefinite because of a recitation of a step of "analyzing the forecasted demands to determine whether the forecasted demands are valid." The Examiner states it is unclear what is meant by the term "valid," and concludes the term refers to feasibility. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the term "valid" is defined in the specification and drawings, and does not refer only to feasibility. A forecasted demand must comply with predetermined rules in order to be valid, beyond, for example, ensuring a supplier is able to satisfy customer forecasted demands.

Applicant respectfully directs the Examiner's attention to pages 12-13, 15-17 and 18 of the specification for support of applicant's definition of the term, "valid." As described in the specification, the term "valid" refers to the completeness of a forecasted demand (see page 12,

line 20 - page 13, line 3). For example, the present invention assures there is one forecast for every planning/ship-to location and part number combination (see page 17). Further, a forecasted demand is determined to be valid after determining that every part number identified in the forecasted demand has a specified quantity. Moreover, a forecasted demand is identified as valid when a requested part number is verified to refer to an actual part. Also as defined in the specification, a "valid" forecasted demand requires that the contents of the forecasted demand are contracted for, as between a customer 72 and an entity running a supply chain server 74.

Further, claim 8 and claim 77, as amended, explicitly define the requirements for a valid claim. These requirements include at least one of: "the credit of the customer, whether the customer forecasted demand is a complete forecast, whether all information is complete and accurate, whether the customer has a contract with the supply chain server, and whether a part number associated with the customer forecasted demands is included in the contract between the supply chain server and the customer."

Reconsideration is respectfully requested.

35 U.S.C. §101

Claims 1-28 stand rejected under 35 U.S.C. §101 because the Examiner states the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

35 U.S.C. §101 states:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Further, 35 U.S.C. §100(b) defines the term "process" as a process, art or method, and includes a new use of a known process, machine, manufacturer, composition of matter, or material.

In the Office Action, the Examiner states that for a process claim to be valid, the recited process must somehow apply, involve, use or advance the technological arts. Applicant respectfully disagrees.

Title 35, §101 of the United States Code does not identify any limitation with respect to the technological arts. Instead, the requirement for a process to be patentable is that it is new and useful. In the instant application, a more efficient and cost minimizing process is claimed. As described in applicant's specification, specifically on page 47, new and useful benefits of the claimed process are identified and include lower prices, lower expenses, improved buying and planning systems, faster and more reliable deliveries, shorter lead times and lower inventories. Moreover, by receiving customer forecasted demands from at least one customer, analyzing the customer forecasted demands to determine whether the customer forecasted demands are valid, and sending the customer forecasted demands to at least one supplier when the customer forecasted demands are valid, the present invention ensures lower prices, more reliable deliveries, shorter lead times and reduced inventories thereby promoting supply chain management savings.

Applicant also respectfully directs the Examiner's attention to MPEP §2106 and regarding computer-related inventions. As stated therein,

"Office personnel have the burden to establish a prima facie case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result. Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. §101. In re Musgrave, 431 F.2d 882, 893, 167 USPQ 280, 289-90 (CCPA 1970)."

§2106 of the MPEP also recites that

"[a]n applicant may assert more than one practical application, but only one is necessary to satisfy the utility requirement."

Applicant respectfully submits the Examiner's burden to establish a prima facie case has not been met, and, further, that the utility requirement for patentability has been clearly established in this case. Reconsideration is respectfully requested.

35 U.S.C. §102(e)

Claims 1, 5-7, 15, 21, 70, 74-76, 84 and 90 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bellini et al. ("Bellini," U.S. Patent No. 5,974,395). Applicant respectfully traverses this rejection.

Bellini discloses a system for extended enterprise planning in a supply chain that sets out to ensure that planning and scheduling information are provided in a real time format (column 3, lines 15-20). While Bellini teaches data exchange substantially in real time, Bellini does not teach or suggest performing an analysis to determine whether customer forecasted demands are valid, as defined in applicant's specification. The Examiner is respectfully referred to the foregoing discussion regarding the term, "valid," with respect to the Examiner's rejection under 35 U.S.C. §112, second paragraph. Applicant respectfully submits that Bellini does not anticipate applicant's claim invention because Bellini does not teach or suggest performing an analysis on customer forecasted demands to ensure that the demands are valid.

Moreover, Bellini shows, specifically in Figures 1, 5A, 5B and 5C, demand forecasters are transmitted from a first enterprise (i.e., a customer) to a second enterprise (i.e., a supplier). This second enterprise, after approving the forecast, connects with the first enterprise's planning server and transmits its demand forecast thereto. Supply chain processes between the two enterprises, as disclosed in Bellini, continue, thus providing the enterprises with a means for communicating information between one another and integrating that information for supply chain planning (see column 10, line 29-column 11, line 5).

Unlike Bellini, however, applicant's method includes receiving customer forecasted demands from at least one customer, analyzing the customer forecasted demands to determine whether the customer forecasted demands are valid, and sending the customer forecasted demands to at least one supplier when the customer forecasted demands are valid. Applicant respectfully submits that the present invention receives customer forecasted demands and performs an analysis to determine validity before sending the customer forecasted demands to at least one supplier. This is in contradistinction to Bellini, wherein communication is provided directly between the various enterprise players (i.e., a customer and a supplier). Therefore,

applicant maintains that Bellini does not teach or suggest applicant's claim 1, and reconsideration is, therefore, respectfully requested.

Claims 5-7, 15 and 21 depend directly or indirectly from claim 1 and are, therefore, patentable for the same reasons, as well as because of the combinations of features set forth in these claims with the features set forth in the claims from which they depend.

Claims 74-76, 84 and 90 depend directly or indirectly from claim 70 and are, therefore, patentable for the same reasons, as well as because of the combinations of features set forth in these claims with the features set forth in the claims from which they depend.

35 U.S.C. §103(a)

Claims 12-14, 16-18, 22-28, 81-83, 85-87 and 91-97 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bellini as applied to claims 1, 21, 70 and 90 above. Applicant respectfully traverses this rejection. Claims 12-14, 16-18 and 22-28 depend directly or indirectly from claim 1, and therefore, are patentable for the same reasons as described above with respect to claim 1, as well as because of the combination of features in those claims with the claims in which they depend. The Examiner asserts it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to adapt Bellini's invention to receive forecasted demands in Electronic Data Interchange (EDI) format in order to make Bellini's invention compatible with a format similar in function to Bellini's electronic planning interchange (EPI). However, even if true, such changes to Bellini still would not cure the deficiency in the grounds for rejection..

Claims 81-83, 85-87 and 91-97 depend directly or indirectly from claim 70, and are therefore, patentable for the same reasons as noted above with respect to claim 1.

Reconsideration is requested.

Claims 2-4, 8-11, 19-20, 71-73, 77-80 and 88-89 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bellini, as applies to claim 1 and 70 above. In view of Landvater, applicant respectfully traverses this rejection.

Landvater teaches the importance of optimizing demand management in order to stabilize the overall operation for the supply chain. More particularly, Landvater extrapolates forecasted demands based on expected demand, historical data and information supplied by the customer.

Applicant respectfully submits that the combination of Bellini and Landvater does not cure the deficiencies in the grounds for rejection noted above with respect to claims 1 and 70. More particularly, the combination of Landvater and Bellini does not teach or suggest a method for receiving customer forecasted demands from at least one customer, analyzing the customer forecasted demands to determine whether the customer forecasted demands are valid, and sending the customer forecasted demand to at least one supplier when that customer's forecasted demands are valid. As noted above, with respect to the definition of validating customer forecasted demands, this invention is directed to ensuring, beyond feasibility that customers are contractually related to the suppliers, and each part number has specified quantities, and that part numbers relate to valid parts contracted between customers and entities running a supply chain server. Therefore, applicant respectfully maintains that the combination of Bellini and Landvater does not teach or suggest, either alone or in combination, the claimed features as taught by applicant's claim 1 and claim 70. Reconsideration is requested. Claims 2-28 and 71-97 depend either directly or indirectly from claims 1 or claim 70, respectively, and are, therefore, patentable for the same reasons, as well as because of the features set forth in those claims with the combination of features set forth in the claims from which they depend.

Therefore, for the reasons set forth above, claims 1-28 and claims 70-97 are believed to be in condition for allowance, which action is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on March 4, 2003:

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Name of applicant, assignee or
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Signature

March 4, 2003

Date of Signature

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APPENDIX B
VERSION WITH MARKINGS TO SHOW CHANGES MADE
37 C.F.R. § 1.121(b)(iii) AND (c)(ii)

CLAIMS:

531 1. (Amended) A method for processing customer forecasted demands, the method comprising:
receiving customer forecasted demands from at least one customer;
analyzing the customer forecasted demands to determine whether the customer forecasted
5 demands are valid; and
sending the customer forecasted demands to at least one supplier when the customer forecasted demands are valid.

2. (Amended) The method as recited in claim 1, wherein the receiving the customer forecasted demands further includes extrapolating the customer forecasted demands based on expected [demand] demands by the at least one customer.

3. (Amended) The method as recited in claim 2, wherein the extrapolating is based on historical data of the customer forecasted demands.

531 7. (Amended) The method as recited in claim 1, further comprising sending an exception notice to the customer when the customer forecasted demands are not valid.

8. (Amended) The method as recited in claim 1, wherein the customer forecasted demands are received by a supply chain server and wherein the analyzing includes checking at least one of: the credit of the customer, whether the customer forecasted demands comprise [demand is] a complete forecast, whether all information is complete and accurate, whether the
5 customer has a contract with the supply chain server, and whether a part number associated with

the customer forecasted demands are [demand is] included in the contract between the supply chain server and the customer.

9. (Amended) The method as recited in claim 1, wherein the customer forecasted demands relate to demands for a plurality of time periods from the at least one customer.

10. The method as recited in claim 1, further comprising:
accumulating the customer forecasted demands thereby producing an accumulated forecast; and

5 sending the accumulated customer [forecast] forecasted demands to the at least one supplier when the customer forecasted demands are valid.

11. (Amended) The method as recited in claim 10, wherein the customer forecasted demands come from a plurality of customers.

12. (Amended) The method as recited in claim 1, wherein the customer forecasted demands are in a format determined by the customer.

13. (Amended) The method as recited in claim 12, further comprising converting the customer forecasted demands into a different format.

14. (Amended) The method as recited in claim 12, wherein the customer forecasted demands are received in one of an email, a spreadsheet, and an XML format.

15. (Amended) The method as recited in claim 1, wherein the customer forecasted demands relate to products.

16. (Amended) The method as recited in claim 1, wherein the customer forecasted demands relate to services.

17. (Amended) The method as recited in claim 1, wherein the customer forecasted demands relate to bandwidth in a network.

18. (Amended) The method as recited in claim 1, wherein the customer forecasted demands relate to airline tickets.

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19. (Amended) The method as recited in claim 1, further comprising sending an abort code to the customer, the abort code enabling the customer to abort an order relating to one of the customer forecasted demands.

20. (Amended) The method as recited in claim 19, further comprising canceling an order corresponding to one of the customer forecasted demands if the customer sends the abort code.

21. (Amended) The method as recited in claim 1, further comprising sending products corresponding to the customer forecasted demands from the supplier to the customer.

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28. (Amended) The method as recited in claim 27, further comprising adjusting the customer forecasted demands when the replacement product is not available from the suppliers in the supply chain network.

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70. (Amended) A system for processing customer forecasted demands, the system comprising:

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a supply chain server coupled to at least one customer and at least one supplier, the supply chain server including a messaging services system and an ERP system; wherein:

the messaging services system receives customer forecasted demands from the at least one customer;

the ERP system analyzes the customer forecasted demands received by the messaging services system to determine whether the customer forecasted demands are valid; and

10 ~~the messaging system sends the customer forecasted demands to the at least one supplier~~
when the customer forecasted demands are valid.

71. (Amended) The system as recited in claim 70, wherein the ERP system further extrapolates the customer forecasted demands based on expected [demand] demands by the customer.

72. (Amended) The system as recited in claim 71, wherein the ERP system extrapolates the customer forecasted demands based on historical data of the forecasted demands.

73. (Amended) The system as recited in claim 71, wherein the ERP system extrapolates the customer forecasted demands based on information supplied by the customer.

74. (Amended) The system as recited in claim 70, further comprising a contractual agreement requiring the supplier to follow a production protocol in light of the customer forecasted demands sent by the messaging services system.

75. (Amended) The system as recited in claim 70, further comprising a contractual agreement requiring the supplier to follow [a] an inventory protocol in light of the customer forecasted demands sent by the messaging services system.

76. (Amended) The system as recited in claim 70, wherein the messaging services system sends an exception notice to the customer when the ERP system determines that the customer forecasted demands are not valid.

77. (Amended) The system as recited in claim 70, wherein the ERP system analyzes the customer forecasted demands by checking at least one of: the credit of the customer, whether the customer forecasted demands comprise [demand is] a complete forecast, whether all information is complete and accurate, whether the customer has a contract with the supply chain server, and

5 whether a part number associated with the customer forecasted demands [demand] is included in the contract between the supply chain server and the customer.

78. (Amended) The system as recited in claim 70, wherein the customer forecasted demands relate to demands for a plurality of time periods from the at least one customer.

79. The system as recited in claim 70, wherein:
the ERP system further accumulates the customer forecasted demands thereby producing an accumulated forecast; and

5 the messaging services system sends the accumulated customer [forecast] forecasted demands to at least one of the suppliers when the customer forecasted demands are valid.

80. (Amended) The system as recited in claim 79, wherein the accumulated customer forecasted demands come from a plurality of customers.

81. (Amended) The system as recited in claim 70, wherein the customer forecasted demands are in a format determined by the customer.

82. (Amended) The system as recited in claim 81, wherein the messaging services system further converts the customer forecasted demands into a different format.

83. (Amended) The system as recited in claim 81, wherein the customer forecasted demands are received in one of an EDI, an email, a spreadsheet, and an XML format.

84. (Amended) The system as recited in claim 70, wherein the customer forecasted demands relate to products.

85. (Amended) The system as recited in claim 70, wherein the customer forecasted demands relate to services.

86. (Amended) The system as recited in claim 70, wherein the customer forecasted demands relate to bandwidth in a network.

87. (Amended) The system as recited in claim 70, wherein the customer forecasted demands relate to airline tickets.

88. (Amended) The system as recited in claim 70, wherein the messaging system further sends an abort code to the customer, the abort code enabling the customer to abort an order relating to one of the customer forecasted demands.

89. (Amended) The system as recited in claim 88, wherein the ERP system further cancels an order corresponding to one of the customer forecasted demands upon receiving [or] an abort code from the customer sends the abort code.

90. (Amended) The system as recited in claim 70, wherein:
the supply chain server is further connected to at least one logistics provider; and
the ERP system further sends a command to the logistics provider so that the logistics provider transfers products corresponding to the customer forecasted demands from the supplier to the customer in response to orders from the supply chain server.

97. (Amended) The system as recited in claim 96, wherein the ERP system further adjusts the customer forecasted demands when the replacement product is not available from suppliers in the system.